REMARKS

This submission is filed concurrently with a Request for Continued Examination, and is intended to supplement the Response to Final Office Action of November 20, 2006, and to address various issues raised in the Advisory Action.

Claims 1, 8 and 13 have been amended to further clarify Applicants' invention. The amended claims are fully supported by the original specification, and no new matter has been added as a result of these amendments.

Claims 3, 10 and 18 have been canceled, and their rejections are therefore moot.

In view of the following amendment and discussion, Applicant submits that none of the claims now pending in the application are anticipated or obvious under the respective provisions of 35 U.S.C. §§102 and 103. Thus, Applicant believes that all of these claims are now in allowable form.

It is to be understood that Applicant does not acquiesce to the Examiner's characterizations of the art of record nor to Applicant's subject matter recited in the pending claims. Further, Applicant is not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant response.

35 U.S.C. §102 Rejection of Claims 13-15 and 18-19

Claims 13-15 and 18-19 stand rejected under 35 U.S.C. §102(e) as being anticipated by Sie et al. (US 6,973,662, hereinafter "Sie"). Applicant respectfully traverses the rejection.

Claim 18 has been canceled, and its rejection is therefore moot.

Independent claim 13 has been amended to further clarify the configuration of the controller, including for example, "providing usage statistics and content-centric data to said content suppliers", and "adapting the content in the at least one partition based on said usage statistics and content-centric data."

Applicants submit that Sie does not disclose a controller configured for at least these features recited in claim 13. In addition, contrary to what was stated in the Final Office Action (dated September 26, 2006), these and other features in claim 13 are not inherent in Sie's controller because none of these features necessarily follows from Sie's teachings.

Accordingly, independent claim 13 is not anticipated and is patentable over Sie under 35 U.S.C. §102. For at least the same reasons discussed above with respect to claim 13, claims 14-15 and 18-19 depend, either directly or indirectly, from independent claim 13 also are not anticipated and are patentable over Sie under 35 U.S.C. §102.

Therefore, this rejection should be withdrawn.

35 U.S.C. §103 Rejection of Claims 1-3, 6, 8-10, and 22-23

Claims 1-3, 6, 8-10, and 22-23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sie in view of Gordon (5,920,700, hereinafter "Gordon") and further in view of Huston et al. (US 2002/0007402, hereinafter "Huston"). Applicant respectfully traverses the rejection.

Claims 3 and 10 have been canceled, and their rejections are therefore moot.

Applicant maintains that there is no motivation to combine Sie and Gordon with Huston, and furthermore, even if combined, Sie in view of Gordon and Huston, would not have rendered Applicant's invention obvious.

Sie and Gordon relate to managing TV programming assets and distribution, while Huston is directed specifically to managing and providing contents over the internet. Since internet hosting is fundamentally different from cable television operation, both from business and operational viewpoints, there is no motivation to combine the teachings of Sie and Gordon with that of Huston. Even though resource leasing is generally applicable to many businesses, it does not necessarily mean that it would have been obvious to adapt it to any operation without considering the specific circumstances.

For example, there is no suggestion in Sie or Gordon regarding any need or desirability for leasing a service provider's resource to the content provider, or for providing content-centric data to the content provider. In Sie, memory resources are separately managed by the content and service providers, and interactions between the program server with the cable television provider are sufficient to ensure the provisioning of additional programs to users. Gordon teaches an intelligent asset management system that includes scheduling, resource, configuration and reporting managers. System activity and user input and demands are provided for use by the system operators (e.g., Abstract). Since Gordon does not contemplate any shared management responsibilities between the interactive TV service provider and content provider, there is also no need for a content provider to lease any memory resource from a service provider.

Given the vastly different operations between TV programming and internet hosting, and absent any suggestions in Sie or Gordon of a need for alternative resource management, or suggestion in Huston regarding the adaptability of internet content management to TV programming, the provision of leased resource to a content provider for cable television is only obtainable through hindsight based on Applicant's disclosure.

Furthermore, independent claim 1 has been amended to recite, in part: "generating usage statistics and content-centric data; providing said usage statistics and content-centric data to said at least one content provider" and "at least one of increasing and decreasing a capacity of said memory resource in response to said usage statistics; and adapting the content in the at least one partition based on said usage statistics and content-centric data."

The amended claim is fully supported by the original specification, e.g., p. 14, lines 21-22,

As stated in the Final Office Action, Sie in view of Gordon does not specifically disclose the feature of providing usage statistics to at least one content provider and resource lease. Applicants further submit that Sie in view of Gordon also does not disclose the feature of providing content-centric data to content provider, or one or increasing and decreasing capacity of the memory resource in response to the usage statistics.

Specifically, Applicants disagree with the Advisory Action's characterization of Gordon's col. 8, line 40 to col. 9, line 13 as teaching Applicants' feature of increasing or decreasing a capacity of the memory resource in response to the usage statistics. Instead, Gordon teaches, in col. 8, lines 54 to 58, that the usage manager compares the "unused assets to a predetermined number of minimum copies(s) allowed for this asset. If the number of current unused copies exceeds the minimum allowed copies, then the usage manager queues the excess copies for deletion ..." Gordon further teaches that the usage manager can copy popular assets that do not currently have enough copies on any given system (col. 6, lines 61-63). These measures are done in order to maintain an optimal storage/space configuration based on actual asset usage (col. 8, line 41). That is, given a storage capacity, Gordon teaches how the number of copies of assets can be changed within the given storage space in order to better utilize the memory resource.

However, there is no teaching or suggestion in Gordon that such usage data is used as a criterion for changing, i.e., increasing or decreasing, the capacity of the memory resource.

Finally, Applicant submits that Huston also does not teach or suggest providing content-centric data to the content provider, or increasing or decreasing the capacity of memory resource based on usage statistics.

Instead, Huston teaches that a content provider is informed about whether certain caches and content have been updated (e.g., paragraph 65-66) based on two queues, one for storing requests to delete and retrieve content, and the other for storing requests that

cannot be processed. Such information relates only the status of the content, but not usage statistics or content-centric data.

As for usage statistics, Huston teaches that the amount of content provided to the users, amount of storage reserved for a content provider or duration of storage, etc., may be used as billing criteria (e.g., paragraphs 71-72). Furthermore, access providers may also use information from the distributed log entry aggregation technique to bill content providers. However, there is no teaching or suggestion in Huston that such information is provided to the content provider as a basis for increasing or decreasing the capacity of memory resource.

Applicants submit that, not only does Huston not teach increasing or decreasing the capacity of memory resource, it teaches away from adjusting the memory capacity.

For example, Huston teaches that storage quotas are used to guarantee a minimum amount of space to particular content providers, and content will be deleted when no space is available (e.g., Huston, first sentence in paragraph 63). Furthermore, "[t]he content provider and access provider may agree upon a particular approach when the allocated space is insufficient to store all of the content of the content provider. For example, the content provider and access provider may agree that the oldest or least recently used content is deleted first" (e.g., end of paragraph 63).

Thus, not only does Huston not teach increasing the capacity of memory resource in case of insufficient space, it specifically teaches the deletion of certain content from the cache and suggests possible criteria for determining which content to delete.

As such, Applicant submits that, even if combined, Sie in view of Gordon and Huston, does not render obvious Applicant's claim 1. Therefore, independent claim 1 is patentable over the combination of Sie, Gordon and Huston under §103.

Independent claim 8 recites relevant limitations similar to those recited in independent claim 1. As such, for at least the reasons discussed above, independent claim 8 also is not obvious and is patentable over the combination of Sie, Gordon and Huston under 35 U.S.C. §103.

Furthermore, claims 2, 6, 9 and 22-23 depend, either directly or indirectly, from independent claims 1 and 8 and recite additional features. Since Sie in view of Gordon

and Huston do not render obvious Applicant's invention as recited in claims 1 and 8, dependent claims 2-3, 6, 9-10 and 22-23 are also not obvious and are patentable over Sie in view of Gordon and Huston under 35 U.S.C. §103.

As such, the Applicant respectfully requests the rejection be withdrawn.

35 U.S.C. §103 Rejection of Claims 4-5 and 11-12

Claims 4-5 and 11-12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sie in view of Gordon and Huston as applied to claim 1 or claim 8 above, and further in view of Carlin et al. (U.S. 6,119,152, hereinafter "Carlin"). Applicant respectfully traverses the rejection.

Claims 4-5 and 11-12 depend directly or indirectly from independent claims 1 and 8. Moreover, for at least the reasons discussed above, Sie in view of Gordon and Huston do not render obvious Applicant's invention as recited in claims 1 and 8. Accordingly, any attempted combination of the Sie, Gordon and Huston references with any other additional references in a rejection against the dependent claims would still result in a gap in the combined teachings in regards to the independent claims. As such, Applicant submits that dependent claims 4-5 and 11-12 are not obvious and are patentable over Sie in view of Gordon and Huston and further in view of Carlin under 35 U.S.C. §103.

Therefore, Applicant respectfully requests that the Examiner's rejection be withdrawn.

35 U.S.C. §103 Rejection of Claim 16

Claim 16 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Sie as applied to claim 13, and further in view of Huston. Applicant respectfully traverses the rejection.

Claim 16 depends directly from amended claim 13. Moreover, for at least the reasons discussed above, the Sie reference fails to teach or suggest Applicant's claimed invention as a whole as recited in independent claim 13. Accordingly, any attempted combination of the Sie reference with any other additional references in a rejection against the dependent claims would still result in a gap in the combined teachings in regard to the independent claims. As such, Applicant submits that dependent claim 16 is not obvious and is patentable over Sie as applied to claim 13, and further in view of Huston under 35 U.S.C. §103.

Therefore, Applicant respectfully requests that the Examiner's rejection be withdrawn.

35 U.S.C. §103 Rejection of Claim 17

The Examiner has rejected claim 17 under 35 U.S.C. §103(a) as being unpatentable over Sie as applied to claim 13, and further in view of Martin et al. (US 6,606,607, hereinafter "Martin"). Applicant respectfully traverses the rejection.

Claim 17 depends directly from amended claim 13. Moreover, for at least the reasons discussed above, the Sie reference do not render obvious Applicant's claimed invention as a whole as recited in independent claim 13. Accordingly, any attempted combination of the Sie reference with any other additional references in a rejection against the dependent claims would still result in a gap in the combined teachings in regard to the independent claims. As such, Applicant submits that dependent claim 17 is patentable over Sie as applied to claim 13, and further in view of Martin under 35 U.S.C. §103.

Therefore, Applicant respectfully requests that the Examiner's rejection be withdrawn.

SECONDARY REFERENCES

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to Applicant's disclosure than the primary references cited in the Office Action. Therefore, Applicant believes that a detailed discussion of the secondary references is not necessary for a full and complete response to this Office Action.

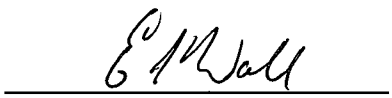
CONCLUSION

In view of the foregoing remarks, Applicant believes that this application is in condition for allowance. Reconsideration of this application and allowance are respectfully solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: 1/25/07



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